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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/661,886
Filing Date: September 15, 2003
Appellant(s): QUINLAN ET AL.

Patrick D. McPherson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 07/201/0 appealing from the Office action mailed 11/03/09.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Application number: 10/098,948

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 102-126 are rejected and pending in the application.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal.

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 102-126 are rejected under 35 U.S.C. 102(e) as being anticipated by Jacoves (US 2001/0018664).

Claim 102, Jacoves teaches:

A method of processing a rebate claim from a purchaser purchasing one or more products from a marketing entity in a single purchase transaction, in which one or more of the products purchased is associated with a promotional offer, comprising the steps of:

(a) receiving at a processing site from a supplier of the products information relating to the promotions associated with such products (see paragraph 58-59);

(b) receiving at the processing site from the purchaser subsequent to the completion of the purchase, a unique transaction identifier, such identifier being assigned at the point-of-sale of a purchase transaction and being independent of the identification of products purchased in such purchase transaction (see paragraph 42, 55 “UID”);

(c) receiving at the processing site from the marketing entity information including the unique transaction identifier and the products purchased in that transaction (see paragraph 71);

(d) using at the processing site, the unique transaction identifier provided by the purchaser to access the information provided by the supplier and the marketing entity to ascertain the applicability of promotions to the identified purchase transaction (see paragraphs 71-72); and

(e) validating each of the applicable promotions (see paragraph 71-72).

Jacoves teaches that when a consumer makes purchases in a POS terminal by scanning products in said POS terminal (See figure 6, item 602), Jacoves uses a discount table 100 (see figure 1) stored in database 614 (see figure 6) in order to create information regarding a total credit that is to be provided for a discountable product. Said information would be stored in a potential file (see figure 16) in database 618 (see figure 6) that it is generated at the end of a transaction (see figure 66) and where said information can be output to a printer for creation of a redemption slip (see paragraphs 32, 70). Said printed redemption slip would contain a barcode (see figure 5, item 308) that has an unique transaction identifier (“UID”; see figure 5, item 514; paragraph 42),

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which would permit easy scanning and input of information at a subsequent redemption event (see paragraph 35). Jacoves teaches that in order for a consumer to redeem said redemption slip, said consumer inputs said redemption slip information into a POS terminal by scanning said redemption slip's barcode, where said barcode contains an unique transaction identifier (i.e. "UID"; see figure 5, item 514; paragraphs 35, 45). Jacoves compares said redemption slip UID in said barcode with UIDs contain in a potential file (see figure 16) stored in database 618 of said POS terminal (see figure 6). If there is a match, the UIDs stored in said potential file that matched said redemption slip's UID are flagged as redeemed (see paragraph 67) and the consumer receives a discount toward a fuel purchase according to the information contained in said potential file (see paragraph 71). For example, if a consumer's redemption slip unique transaction identifier (i.e. UID) barcode is XXX, when said consumer scans said barcode in a redemption POS terminal (see figure 7, item 704) said XXX of said redemption slip would be compared with the UIDs contained in potential file (See figure 16) stored in database 618 (see figure 6). Said potential file in figure 16 shows that UID XXX contains UPC A and B with discounts of \$4.50 and \$.48 respectively. Therefore, the consumer would receive a total discount of \$4.98 (e.g. \$4.50 + \$.48) applied to a fuel purchase and the column mark "redeemed" in said potential file (see figure 16) would be flagged as redeemed by "flipping" of a bit from "0" to "1" in all rows that belongs to UID XXX in said potential file in order to show that the redemption slip 212 was redeemed at the store within the appropriate time window (See paragraph 67). Thereafter, Jacoves would transmit said potential file to a clearinghouse in order to bill manufacturers for

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discount triggering items sold (i.e. UPC A and B of UID XXX) and pay retailers for discounts given to consumers that redeemed a redemption slip at said retailers' POS terminals (see paragraphs 80-81), where the clearinghouse never gets the redemption slip 212 or the information from the potential file until the redemption slip 212 has been "redeemed." (See paragraph 41).

Claim 103, Jacoves teaches:

(f) ascertaining the value of the applicable promotions, and providing the purchaser with the ascertained value subsequent to the completion of the purchase transaction (see paragraph 71).

Claim 104, Jacoves teaches:

A computerized system for processing a rebate claim submitted by a purchaser who, during a sales transaction, had purchased one or more products at least one of which may qualify for one or more rebate promotions, and in which such purchaser had been given a transaction code for identifying such transaction; said system comprising:

at least one data input port for receiving:

(a) product promotion rebate information containing an identification of eligible products (see figure 1);

(b) a plurality of purchase data records, each purchase data record pertaining to a sales transaction, wherein each purchase data record (i) includes a transaction code for identifying the sales transaction and (ii) identifies at least one product purchased in connection with such transaction (see figure 16); and

(c) a purchaser rebate claim containing a transaction code assigned at the point of sale (see figure 5, UID);

a memory communicating with said at least one data input port (i) for storing as a stored data record each transaction code and the identity of all products associated with such transaction code, and (ii) for storing said product promotion rebate information (see figure 16);

a processor communicating with said at least one data input port and said memory and which is programmed, in response to receiving a purchaser rebate claim: (i) to seek to match the transaction code submitted in the purchase rebate claim with a transaction code of a stored data record (see paragraph 46); and (ii) upon successfully matching a transaction code submitted with a rebate claim with a transaction code stored in a stored data record, to compare a first product contained in said stored data record with the stored product promotion rebate information to determine if such first product is eligible for one or more rebates (see paragraph 71-72).

Claim 105, Jacoves teaches:

wherein the processor is further programmed to:

(iii) to determine if said stored data record contains additional products and, if so, to compare each additional product or with the stored product promotion rebate information to determine if such product is eligible for one or more rebates (see paragraph 67); and

(iv) to validate each rebate for all eligible products contained in the stored data record associated with the purchaser rebate claim (see paragraph 71).

Claim 106, Jacoves teaches:

wherein said product promotion rebate information further contains the amount of each rebate for each eligible product and wherein said processor is programmed to determine the total value of rebates for the eligible products in the stored data record associated with the purchaser rebate claim (see paragraph 71).

Claim 107, Jacoves teaches:

in which the processor is programmed, responsive to an event, to issue a rebate to the purchaser (see figure 5 "redemption slip").

Claim 108, Jacoves teaches:

wherein such event is a request from the purchaser (see paragraph 32-33).

Claim 109, Jacoves teaches:

wherein the " product promotion rebate information further contains an expiration date, and wherein such event is the expiration of a promotion (see figure 5 item 504).

Claim 110, Jacoves teaches:

A method of processing a rebate claim submitted by a purchaser who, during a sales transaction, had purchased two or more products at least one of which qualifies for one or more rebate promotions, and in which such purchaser had been given a transaction code for identifying such transaction; comprising the steps of:

(a) receiving and electronically storing product promotion rebate information containing an identification of eligible products (see figure 1); (b) receiving and storing a plurality of purchase data records, each purchase data record pertaining to a sales transaction, wherein each purchase data record includes a transaction code for

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identifying a sales transaction and identifies at least two products, purchased in connection with such transaction (see figure 16); (c) receiving a purchaser rebate claim containing a transaction code and purchaser identification information (see paragraphs 44-46);

(d) using a processor, matching the transaction code submitted in the purchase rebate claim with a transaction code of a stored purchase data record (see paragraph 67-72);

(e) comparing each product service contained in said stored purchase data record with the stored product promotion rebate information to determine if such product is eligible for one or more rebates (see paragraph 67-72); and

(f) validating each rebate for all eligible products contained in the stored purchase data record associated with the purchaser rebate claim (see paragraph 67-72).

Claim 111, Jacoves teaches:

wherein at least one purchased product does not qualify for a rebate promotion (see figure 3a “items not marked with *”).

Claim 112, Jacoves teaches:

wherein said product promotion rebate information contains the amount of each rebate for each eligible product and further comprising the step of determining the total value of rebates for the eligible products in the stored purchase data record associated with the purchaser rebate claim (see figure 5).

Claim 113, Jacoves teaches:

comprising further the step, responsive to an event, of issuing a rebate to the purchaser (see figure 5).

Claim 114, Jacoves teaches:

wherein such event is a request from the purchaser (see paragraph 45).

Claim 115, Jacoves teaches:

wherein the product promotion rebate information further contains an expiration date, and wherein such event is the expiration of a promotion (see figure 5, item 504).

Claim 116, Jacoves teaches:

A method of processing a rebate claim submitted by a purchaser who, during a sales transaction, had purchased one or more products at least one of which qualifies for one or more rebate promotions, and in which such purchaser had been given a transaction code for identifying such transaction; comprising the steps of:

(a) receiving and electronically storing product promotion rebate information containing an identification of eligible products (see figure 1);

(b) receiving a plurality of purchase data records, each purchase data record pertaining to a sales transaction, wherein each purchase data record (i) includes a transaction code for identifying a sales transaction (see paragraph 44; figure 16) and (ii) identifies at least one product purchased in connection with such transaction (see figure 16; paragraph 67);

(c) electronically storing as a stored data record each transaction code and the identity of all products associated with such transaction code (see figure 16);

(d) receiving a purchaser rebate claim containing a transaction code and purchaser identification information (see paragraph 45);

(e) using a processor, matching the transaction code submitted in the purchase rebate claim with a transaction code of a stored data record (see paragraph 67);

(f) upon successfully matching a rebate claim transaction code with a stored data record, comparing a first product contained in said stored data record with the product promotion rebate information to determine if such product is eligible for one or more rebates (see paragraph 67-72);

(g) determining if said stored data record contains additional products or and, if so, comparing each additional product with the product promotion rebate information to determine if such product or is eligible for one or more rebates (see paragraph 67-72); and

(h) validating each rebate for all eligible products contained in the stored data record associated with the purchaser rebate claim (see paragraph 71).

Claim 117, Jacoves teaches:

wherein said product promotion rebate information further contains the amount of each rebate for each eligible product and further comprising the step of determining the total value of rebates for the eligible products in the stored purchase data record associated with the purchaser rebate claim (see figure 15; paragraph 71).

Claim 118, Jacoves teaches:

comprising further the step, responsive to an event, of issuing a rebate to the purchaser (see paragraph 45).

Claim 119, Jacoves teaches:

wherein such event is a request from the purchaser (see paragraph 45).

Claim 120, Jacoves teaches:

wherein the product promotion rebate information further contains an expiration date, and wherein such event is the expiration of a promotion (see figure 5, item 504).

Claim 121, Jacoves teaches:

A system for administering and processing rebate claims for products eligible for one or more rebates, said system comprising a point-of-sale computer system and a remote rebate processing center having a rebate processing center computer system; wherein said point-of-sale computer system comprises:

(a) a terminal for processing a transaction involving the sale of one or more products irrespective of whether such products are eligible for a rebate, and for assigning to a purchaser a transaction code for identifying such transaction (see paragraph 67-72);

(b) programming for generating a purchase data record of said transaction which includes said transaction code and identifies at least one product of purchased in connection with such transaction (see figure 16);

(c) a data link for establishing communication with said rebate processing center computer system for transmitting said purchase data record (see figure 6);

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and wherein said rebate processing center computer system comprises: a memory for storing as a stored data record a plurality of transaction codes, and the identity of all products associated with each transaction code, received from said point-of-sale computer system, and for storing product promotion rebate information containing an identification of eligible products and a processor which is programmed, in response to receiving a rebate claim from a purchaser containing a transaction code (see paragraph 67-72):

(i) to seek to match the transaction code submitted in the rebate claim with a transaction code of a stored data record (see paragraphs 67-72);

(ii) upon successfully matching a rebate claim transaction code with a stored data record transaction code, to compare a first product or contained in said stored data record with the stored product promotion rebate information to determine if such first product or is eligible for one or more rebates (see paragraphs 67-72);

(iii) to determine if said stored data record contains additional products and, if so, to compare each additional product or with the stored product promotion rebate information to determine if such product is eligible for one or more rebates (see paragraphs 67-72); and

(iv) to validate each rebate for all eligible products contained in the stored data record associated with the purchaser rebate claim (see paragraphs 71-72).

Claim 122, Jacoves teaches:

wherein said product promotion rebate information further contains the amount of each rebate for each eligible product and wherein said processor is programmed to

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determine the total value of rebates for the eligible products in the stored data record associated with the purchaser rebate claim (see paragraphs 67-72).

Claim 123, Jacoves teaches:

in which the processor is programmed, responsive to an event, to issue a rebate to the purchaser (see paragraph 45).

Claim 124, Jacoves teaches:

A method for administering and processing rebate claims for products eligible for one or more rebates, said method comprising the steps, at a point-of-sale, of:

(a) processing a transaction involving the sale of one or more products irrespective of whether such products are eligible for a rebate, and assigning to a purchaser a transaction code for identifying such transaction (see paragraphs 67-72);

(b) generating a purchase data record of such transaction which includes said transaction code and identifies at least one product purchased in connection with such transaction (see figure 16 “potential file”);

(c) transmitting said purchase data record to a remote rebate processing center (see figure 6-7); and further comprising the steps, at a remote rebate claim processing system, of:

receiving said purchase data record and electronically storing as a stored data record the transaction code and the identity of all products associated with the transaction code contained in said purchase data record (see figure 7 item DB3);

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electronically storing product promotion rebate information containing an identification of eligible products and using a processor, in response to receiving a rebate claim from a purchaser containing a transaction code (see paragraph 44-46),

(i) seek to match the transaction code submitted in the rebate claim with a transaction code of a stored data record (see paragraph 67-72);

(ii) upon successfully matching a rebate claim transaction code with a stored data record transaction code, compare a first product of contained in said stored data record with the stored product promotion rebate information to determine if such first product or is eligible for one or more rebates (see paragraphs 67-72);

(iii) determine if said stored data record contains additional products and, if so, compare each additional product or service with the stored product promotion rebate information to determine if such product is eligible for one or more rebates (see paragraphs 67-72); and

(iv) validate each rebate for all eligible products contained in the stored data record associated with the purchaser rebate claim (see paragraphs 71-72).

Claim 125, Jacoves teaches:

wherein said product promotion rebate information contains the amount of each rebate for each eligible product and further comprising the step of determining the total value of rebates for the eligible products in the stored data record associated with the purchaser rebate claim (see figure 16).

Claim 126, Jacoves teaches:

in responsive to an event, of issuing a rebate to the purchaser (see paragraph 71).

(10) Response to Argument

The Appellant argues in page 12 of the Brief that Jacoves does not review the purchase data records for the purchased products at the time the fuel discount is redeemed by the purchaser to see if the purchased products were eligible for a discount because, according to the Appellant, that action was taken at the time the products were initially purchased. The Examiner answers that Jacoves teaches a system where products' sponsors such as different grocery manufacturers create fuel purchased rebate discounts (i.e. rebates discounts per gallon of purchased fuel) for their grocery products where said fuel purchased rebates discounts are downloaded from a central database to a grocery store POS system (see fig 6). Said grocery's store POS stored in its database a table shown in fig 1, which defines for each item (i.e. UPC A, B, C) the discount per gallon for each UPC item unit purchased. When a customer visits said grocery store retailer and purchase some items, said grocery store retailer identifies the items that have fuel purchase rebate discounts and provides said customer with a rebate discount for each item purchased that has a rebate obtained from table shown in fig 1. Therefore if for example a customer purchased ten (10) items and three (3) of said items has an associated rebate, the grocery store POS would create a redemption table shown in fig 15 (see paragraph 65) and after said redemption table is created a potential file (see figure 16) would be updated, that includes information regarding each UPC for each unique transaction identifier (i.e. UID) for each transaction (see paragraph

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63). After updating the potential file for the new transaction the system would create a redemption slip (see paragraphs 63-65), to print the upper portion (see fig 3a, 302) of purchased receipt (see fig 3a, 300) with the rebate discount trigger items being associated with for example an asterisk (*). This will be followed by redemption slip (see fig 3a, 306) as a trailer slip (see paragraph 64). Each transaction which results in generation of a redemption slip has associated therewith a unique transaction identifier (i.e. UID). Said UID is contained in a barcode printed in said redemption slip (see figure 5, item 514; paragraph 41). The potential file shown in figure 16 teaches two purchase transactions with unique transaction identifiers (UIDs), UID "XXX" and UID "YYY." For each of the transactions associated with the UID XXX and the UID YYY, there are provided thereunder purchases associated with discount triggering items "A" and "B." For the UID XXX, the total discount for UPC "A" was \$4.50, and the total discount for UPC "B" in UID XXX was \$0.48. This represents the total discount that was provided for all purchases under those particular UPCs. In the "redeemed" column in fig 16, there will be a flag set, which is typically the "flipping" of a bit from "0" to "1" in order to show that the redemption slip 212 was redeemed at the store within the appropriate time window (see paragraph 68). Jacoves teaches that the redemption table (see fig 15) and corresponding potential file (see fig 16) that is created and updated when a customer visits and makes purchases at the grocery store (see fig 6) are stored in said grocery store database (i.e. DB3) (see fig 6, item 618) and said DB3 of said grocery store is connected to a second portion of the fuel reward POS retailer by communication link 622 (see fig 6; paragraph 44). The communication link 622 links up with a fourth

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database 702 of the fuel reward POS retailer (see fig 7) which stores the information stored in the redemption table (see fig 15) and potential file (see fig 16) (see paragraph 45). Therefore, when the customer visits the fuel reward retailer with his or her redemption slip (see fig 5) and scanned the redemption slip barcode (see fig 5, item 308; paragraph 36) at fuel reward POS terminal (see fig 2, item 214; paragraph 36), the scanning of the redemption slip barcode reads the unique transaction identifier (i.e. UID) of said redemption slip (see paragraph 42) and said read UID is compared with the UIDs in the potential file (see fig 16) and if an match is found all the UPC items that were purchase in the same UID transaction would be flagged as redeemed and the customer would receive a rebate discount for total sum of each item discount (see paragraphs 67-68). It is very important that Jacoves checks the UID of the redemption slip with the UID of the potential file and flags the items as redeemed when a match is found when giving the discount at the fuel retailer as the redeemed items in the potential file is the evidence that the fuel retailer has to be able to bill manufacturers for the rebate discount given at the fuel retailer POS terminal. Therefore using the example shown in fig 16, a customer visits a grocery store (see fig 6) and makes a transaction with assigned UID YYY where he purchased UPC items A, B, C and D. The grocery store creates a redemption table (see fig 15) where UPCs A and B are identified having manufacturer rebates of \$4.50 and \$.48 respectively. Then said grocery store updates a potential file as shown in figure 16. Said potential file is transfer to a fuel retailer POS system (see figures 6-7, item 622) and from said redemption table (see fig 15) and potential file (see fig 16) created in said grocery store is generated a redemption slip

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(see fig 5) which is given to the customer (see paragraph 65). Said redemption slip would contain a barcode with the unique transaction identifier (i.e. UID) YYY. Then, when said customer visits a fuel retailer and scanned the redemption slip barcode at said fuel retailer POS terminal (see fig 2, item 214; paragraph 36), said fuel retailer POS terminal match said redemption slip UID YYY with the potential file UID YYY and flags as redeemed items A and B with UID YYY and give said customer a total discount of \$4.96 (i.e. A: \$4.00 + B: \$.96). For said fuel retailer gives a discount of \$4.96 to said customer is necessary that said fuel retailer POS terminals checks the potential file for a match UID and marked as redeemed the found match items as said potential file with flags redeemed items is the fuel purchase evidence that is used so manufacturers paid said fuel retailer for the discount given to the customer (see paragraph 68, 72). Therefore, contrary to Appellant's argument, Jacoves does review the purchase data records for the purchased products at the time the fuel discount is redeemed by the purchaser to see if the purchased products were eligible for a discount because Jacoves review the potential file which contains the purchase data record by UID (see fig 16) when a customer is trying to redeemed a redemption slip at the fuel purchase retailer in order that fuel retailer is able to bill manufacturers for the applied discounts. Therefore, is necessary that the fuel retailer review the potential file when given a discount and flags the items in said potential file that provides rebates as redeemed because if said fuel retailer does not review said potential file, he would give rebates discounts to customer without being able to be reimbursed by the manufacturers for

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said given discounts. Therefore, contrary to Appellant's argument, Jacoves teaches Appellant's claimed invention.

The Appellant argues in pages 12-17 of the Brief that the Appellant is frustrated because the Examiner has changed his position in his rejections, is inconsistent with Final rejection in related Application 10/768,639, did not allow the claims, provided no explanation why he changed his position, failed to attend an Interview with the Examiner's supervisor. The Appellant further argues that in the Office Action filed 01/09/09 the Examiner used Jacoves to teach Appellant's claimed invention and pointed to a 4 digit code in paragraph 45 and 49 in Jacoves to teach the claimed "transaction identifier" but in Office Action filed 11/03/09 is using also Jacoves to teach Appellant's claimed invention but now he is pointing to Jacoves unique transaction identifier (UID) (see paragraph 42) to teach the claimed "transaction identifier" and therefore, the Appellant argues that the Examiner should be reversed because he is switching position without explanation by pointing to a different paragraph in Jacoves to teach the claimed "transaction identifier". The Appellant further argues that the Examiner should be reversed because in related application 10/768,639 the Examiner pointed to a 4 digit code in Jacoves to teach the unique transaction identifier but now in the current application the Examiner is using the same prior art Jacoves to teach Appellant's claimed but now is saying that is the unique transaction identifier (UID) (see paragraph 42) in Jacoves teaches the claimed "unique transaction identifier". Therefore, according to the Appellant, the Examiner should be reversed because he cannot use different embodiments of the same prior art to make a rejection. The Examiner answers that the

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Appellant is simply trying that the Board of Appeal does not look at Jacoves unique transaction identifier (UID) (see paragraph 42) because if the Board looks at said UID said Board would find out that Jacoves teaches Appellant's claimed invention. The only reason the Appellant is frustrated is not because the Examiner pointed before to a 4 digit code or that the Examiner could not attend an Interview, the only reason of Appellant's frustration is that he cannot overcome that Jacoves teaches Appellant's claimed unique transaction identifier.

The Appellant argues in pages 17-18 that Jacoves does not disclosed the claimed "transaction identifier" or the "transaction code" because according to the Appellant, the UID is not used at all until after the discount have been applied and that is only used to update the redemption file. However, according to the Appellant, the redemption file does not contain "information provided by the supplier and the marketing entity because according to the Appellant, the redemption file contains only the UID and the date and time stamp. The Examiner answers as explained in paragraph 1 of this section Response to Arguments using the example shown in fig 16, a customer visits a grocery store (see fig 6) and makes a transaction with assigned UID YYY where he purchased UPC items A, B, C and D. The grocery store creates a redemption table (see fig 15) where UPCs A and B are identified having manufacturer rebates of \$4.50 and \$.48 respectively. Then said grocery store updates a potential file (i.e. redemption file; see paragraph 71, fig 16 "wherein the redemption field, labeled "redeemed" in the redemption file is updated") as shown in figure 16. Said potential file (i.e. redemption file) is transfer to a fuel retailer POS system (see figures 6-7, item 622) and from said

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redemption table (see fig 15) and potential file (see fig 16) created in said grocery store is generated a redemption slip (see fig 5) which is given to the customer (see paragraph 65). Said redemption slip would contain a barcode with the unique transaction identifier (i.e. UID) YYY. Then, when said customer visits a fuel retailer and scanned the redemption slip barcode at said fuel retailer POS terminal (see fig 2, item 214; paragraph 36), said fuel retailer POS terminal match said redemption slip UID YYY with the potential file UID YYY and flags as redeemed items A and B with UID YYY and give said customer a total discount of \$4.96 (i.e. A: \$4.00 + B: \$.96). For said fuel retailer gives a discount of \$4.96 to said customer is necessary that said fuel retailer POS terminals checks the potential file for a match UID and marked as redeemed the found match items as said potential file with flags redeemed items is the fuel purchase evidence that is used so manufacturers paid said fuel retailer for the discount given to the customer (see paragraph 68, 72). Therefore, contrary to Appellant's argument, the redemption file is the potential file shown in fig 16 which does contain information provided by the supplier and the marketing entity because Jacoves teaches in paragraph 71 that the redemption field, labeled "redeemed" in the redemption file is updated and the only file that contains said redemption field, labeled "redeemed" is the potential file shown in fig 16 and furthermore, Jacoves teaches in paragraph 74 that the information stored in the redemption file is processed such as processing each UPC stored in said file. Therefore, contrary to Appellant's argument, Jacoves teaches Appellant's claimed transaction identifier.

The Appellant further argues in pages 18-20 of the Brief that *Jacoves* does not teach the use of product information to validate a rebate because according to the Appellant, there is no disclosure in *Jacoves* of matching the UID from the redemption slip with the UID in the potential file before awarding a discount and according to the Appellant, the potential file keeps track of the potential discounts which have been redeemed to keep track how much money is owed to the fuel retailer but according to the Appellant, there is no use of the potential file to validate the rebate. The Examiner answers that Appellant's claims recite "using the processing site the unique transaction identifier provided by the purchaser to access the information provided by the supplier and the marketing entity to ascertain the applicability of promotions to the goods in the identified purchased transaction and the value associated therewith and providing the purchaser with the ascertain value subsequent to the completion of the purchase transaction". Therefore, in *Jacoves* when a customer presents a redemption slip at the fuel retailer, using said redemption slip unique transaction identifier (UID) to match it to UIDs in the potential file (see fig 16) in order to flag the UPC items with the same UID in the potential file as redeemed (see fig 16) and then provide said customer a discount would read Appellant's claims as said discount is given subsequent to the completion of the purchase transaction and said flagging of said items in the potential file as redeemed is ascertaining the applicability of promotions to the goods in the identified purchased transaction and the value associated therewith because is necessary that the fuel retailer validates the rebate discounts given using the potential file by flagging said items that provides rebates as redeemed because if said fuel retailer does not do

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said validation, he would give rebates discounts to customer without being able to be reimbursed by the manufacturers for said given discounts. Therefore, contrary to Appellant's argument, *Jacoves* teaches Appellant's claimed invention.

The Appellant argues in pages 20-21 of the Brief that the Examiner response to Arguments does not represent a consideration of the teaching of *Jacoves* as a whole because according to the Appellant, nowhere in *Jacoves* is recited that the potential file is checked or that UIDs from the redemption slip is matched with a UID in the potential file before an instant discount is issued. The Appellant further argues that *Jacoves* teaches that is 4 digit code that is used to redeem the discount and that the potential file is updated only after a discount is given. The Examiner answers that Appellant's claims recite "using the processing site the unique transaction identifier provided by the purchaser to access the information provided by the supplier and the marketing entity to ascertain the applicability of promotions to the goods in the identified purchased transaction and the value associated therewith and providing the purchaser with the ascertain value subsequent to the completion of the purchase transaction". Therefore, in *Jacoves* when a customer presents a redemption slip at the fuel retailer, using said redemption slip unique transaction identifier (UID) to match it to UIDs in the potential file (see fig 16) in order to flag the UPC items with the same UID in the potential file as redeemed (see fig 16; paragraphs 67, 71) and then provide said customer a discount would read Appellant's claims as said discount is given subsequent to the completion of the purchase transaction and said flagging of said items in the potential file as redeemed is ascertaining the applicability of promotions to the goods in the identified

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purchased transaction and the value associated therewith because it is necessary that the fuel retailer validates the rebate discounts given to customers using the potential file by flagging the items in said potential file with a match UID as redeemed because if said fuel retailer does not do said validation, he would give rebates discounts to customer without being able to be reimbursed by the manufacturers for said given discounts. Therefore, contrary to Appellant's argument, *Jacoves* teaches Appellant's claimed invention.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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/JOHN G. WEISS/

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